

From: Herbert Mondros
To: David Williams; McMackin III, James H.
Date: 9/20/2007 10:36:12 PM
Subject: Cole v. Del Tech

Dear Counsel,

This afternoon after it became apparent that a trial is unavoidable, I advised my client, Ken Cole, that we will require his presence in Wilmington this weekend to prepare for trial, and that he will be unable to participate in the UBMS training program in Virginia scheduled for this weekend.

This evening Mr. Cole advised his program manager, Roseaanna Brown-Simmons, that due to his need to prepare for the federal trial to commence on Monday morning he would not be able to participate in the UBMS training this weekend. In response, Ms. Brown-Simmons advised Mr. Cole that his attendance at this weekend's training program is "mandatory," and that if he were to be absent, he would be "placing his job in jeopardy."

I write to request that you confirm that Ms. Brown-Simmons statements are incorrect, and do not represent Del Tech's position. If Del Tech's position is, in fact, that Mr. Cole will, or may, be terminated or face any other adverse employment action if he remains in Wilmington this weekend to prepare for the trial, please let me know promptly.

In addition, we request that you have your client promptly provide assurances to Mr. Cole that he will not face any adverse employment action if he remains in Wilmington to prepare for trial this weekend rather than attending the UBMS training in Virginia. Otherwise, Mr. Cole will be forced to choose between preparing for his trial and putting his job at risk.

Thank you,

Herb

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